

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BARBARA RUSSELL,

CIV.

Plaintiff,

-against-

HEARTLAND EXPRESS, INC. and  
BENJAMIN R. OSMON,

**NOTICE OF REMOVAL**

Defendants.

**DEFENDANT DEMANDS  
TRIAL BY JURY**

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TO THE JUDGES OF THE UNITED STATES DISTRICT  
COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

Removing defendants, Heartland Express Inc. of Iowa, sued herein as Heartland Express, Inc., and Benjamin R. Osmon, by and through their attorneys, The Law Offices of John C. Lane, allege upon information and belief as follows:

1. Plaintiff Barbara Russell has commenced an action in the Supreme Court of the State of New York, County of Bronx, against the removing defendant. A true copy of the summons and verified complaint in said action are annexed hereto, collectively, as **Exhibit A**.

2. The verified complaint alleges that plaintiff Barbara Russell was caused to sustain certain injuries and damages as a result of the alleged negligence of defendant on or about March 29, 2007. According to the complaint, plaintiff Barbara Russell is a resident of the County of Bronx, and State of New York.

3. Removing defendant Heartland Express Inc. of Iowa, sued herein as Heartland Express, Inc. is incorporated in the State of Iowa, having its principal place of business at 2777 Heartland Drive, Coralville, Iowa 52241.

4. Removing defendant Benjamin R. Osmon is an Illinois resident, having his residence at 100 North 6<sup>th</sup> Elkvill, Dowell, Illinois 62927.

5. Thus, there exists complete diversity of citizenship between the plaintiff and the defendants, and no defendant is a citizen of the State of New York.

6. The Complaint served upon defendants, following New York practice, contains no *ad damnum* or any other statement that the amount sought in damages meets or exceeds the minimum amount required for federal jurisdiction. The Complaint contains only generalized allegations of injuries.

7. Defendants answered the Complaint on or about July 11, 2007. The Answer for defendants included a Request for Demand for Damages Sought. A copy of defendants' Answer is annexed hereto as **Exhibit B**.

8. On October 29, 2007, your affiant received plaintiff's Demand for Damages in response to the request from defendants, in the amount of \$1,000,000. A copy of that Demand for Damages is annexed hereto as **Exhibit C**.

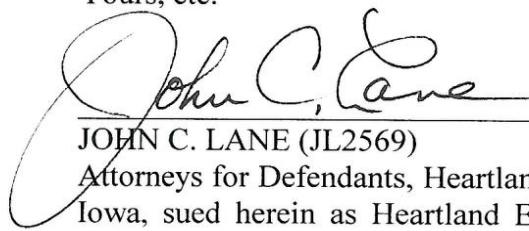
9. Therefore, the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs, and removal to this Court is timely made.

10. Accordingly, this Court has subject matter jurisdiction of this action pursuant to 28 U.S.C. § 1332, and removing defendants are entitled to removal of this action pursuant to 28 U.S.C. §§ 1441 and 1446.

WHEREFORE, removing defendants, Heartland Express Inc. of Iowa, sued herein as Heartland Express, Inc., and Benjamin R. Osmon hereby give notice of the removal of plaintiff's action to this Court pursuant to 28 U.S.C. §§ 1441 and 1446.

Dated: Wyckoff, New Jersey  
November 5, 2007

Yours, etc.



John C. Lane

JOHN C. LANE (JL2569)

Attorneys for Defendants, Heartland Express Inc. of  
Iowa, sued herein as Heartland Express, Inc., and  
Benjamin R. Osmon  
The Grace Building  
191 Godwin Avenue  
Wyckoff, New Jersey 07481  
201-848-6000  
HLE.1858

# **EXHIBIT A**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX-----X  
**BARBARA RUSSELL,**

Plaintiff,

-against-

**HEARTLAND EXPRESS, INC. and  
BENJAMIN R. OSMON,**

Defendants.

Plaintiff designates  
Bronx County as the  
place of trial.The place of venue is  
County where Plaintiff  
resides.S U M M O N SPlaintiff resides at:  
2450 St. Raymond Avenue  
Bronx, New York 10461

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**TO THE ABOVE NAMED DEFENDANTS:**

**YOU ARE HEREBY SUMMONED** to answer the Complaint in this action and to serve a copy of your answer, or, if the complaint is not served with the Summons, to serve a notice of appearance, on the plaintiff's attorney, within twenty (20) days after the service of this Summons, exclusive of the day of service, or within thirty (30) days after the service is complete if this Summons is not personally delivered to you within the State of New York; and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Bronx, New York  
April 30, 2007

Yours, etc.,

**MICHAEL T. RIDGE, ESQ.**  
*Attorney for Plaintiff*  
910 Grand Concourse Suite 1D  
Bronx, New York 10451  
(718) 590-5400

**DEFENDANTS' ADDRESSES:**

Heartland Express Inc.  
2777 Heartland Drive  
Coralville, IA 52241

Benjamin R. Osmon  
100 N. 6<sup>TH</sup> Elkville  
P.O. Box 381  
Dowell, IL 62927

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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

X

BARBARA RUSSELL,

Plaintiff,

VERIFIED COMPLAINT

-against-

HEARTLAND EXPRESS, INC. and  
BENJAMIN R. OSMON,

Defendants.

X

Plaintiff, complaining of the defendants, by her attorney **MICHAEL T. RIDGE**  
ESQ., respectfully shows to this Court and alleges:

1. That at all times hereinafter mentioned, and at the commencement of this action, the plaintiff, **BARBARA RUSSELL**, was and still is a resident of the County of Bronx, City and State of New York.
2. Upon information and belief, that at all times hereinafter mentioned, the defendant, **HEARTLAND EXPRESS, INC.**, was the owner of a 2006 International tractor trailer bearing the Indiana State license plate number PRO398 for the year 2007.
3. Upon information and belief, that at all times hereinafter mentioned, the defendant, **BENJAMIN R. OSMON**, was the operator of the 2006 International tractor trailer bearing the Indiana State license plate number PRO398 for the year 2007.
4. That at all times hereinafter mentioned, the plaintiff, **BARBARA RUSSELL**, was the owner and operator of a 2000 Nissan motor vehicle bearing New York State License plate number DEB8101 for the year 2007.

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COURT

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5. That at all times hereinafter mentioned, the Southbound New England Thruway (I-95), between Exit 16 and Exit 15 in the City of New Rochelle, County of Westchester, State of New York was and still is a public highway.

6. That on the 29<sup>th</sup> day of March 2007, at approximately 11:30 p.m. there was a contact between the aforesaid motor vehicles.

7. That the accident and the injuries and damages to the plaintiff, **BARBARA RUSSELL**, resulting there from were caused by the negligence of the defendants.

8. That the defendants were negligent, in that they owned and operated their motor vehicle in a negligent, careless and reckless manner and violated those ordinances in such cases made and provided and that the defendants were otherwise negligent.

9. That by reason of the aforesaid, the plaintiff, **BARBARA RUSSELL**, has been rendered sick, sore and disabled; was seriously and permanently injured; has suffered mental and nervous shock, all with accompanying pain; and has had and will require medical treatment and medicines.

10. That as a result of the foregoing, the plaintiff, **BARBARA RUSSELL**, has sustained a serious injury as defined in Section 5102 (d) of the Insurance Law of the State of New York, and/or economic loss greater than basic economic loss as defined in Section 5102 (a) of the Insurance Law of the State of New York.

11. As a result of her pain and suffering the plaintiff, **BARBARA RUSSELL**, was caused to suffer damage in an amount of money that exceeds the monetary jurisdiction of all lower courts, which would otherwise have jurisdiction over this action.

**WHEREFORE**, the plaintiff, **BARBARA RUSSELL**, demands judgment against the defendant in an amount of money that exceeds the monetary jurisdiction of all lower courts,

which would otherwise have jurisdiction over her cause of action alleged herein, together with interest, costs and disbursements of this action.

Dated: Bronx, New York  
April 30, 2007

Yours, etc.,

**MICHAEL T. RIDGE, ESQ.**  
*Attorney for Plaintiff*  
910 Grand Concourse, Suite 1D  
Bronx, New York 10451  
(718) 590-5400

STATE OF NEW YORK  
SUPREME COURT

110-070153  
INDEX NO.: 14646/2007  
COUNTY OF BRONX

BARBARA RUSSELL  
vs  
HEARTLAND EXPRESS INC, ET. AL.

Plaintiff / Petitioner

Defendant / Respondent

TO:  
HEARTLAND EXPRESS INC  
2777 HEARTLAND DRIVE  
CORALVILLE , IA 52241

**NOTICE TO DEFENDANT**

Dated: May 23, 2007  
Bronx, New York

SIR:

PLEASE TAKE NOTICE,

that pursuant to the provisions of Section Vehicle and Traffic Law, Section 253/254  
of the State of New York, a copy of the summons and complaint in the above-entitled action was served  
upon you by serving a copy of the summons and complaint upon the Secretary of State of the State of  
of the State of New York with the statutory fee.

AND TAKE FURTHER NOTICE, that I am sending you herewith by certified mail; a copy of  
the summons and complaint in this action.

Yours truly,

Michael T. Ridge  
Attorney at Law  
910 Grand Concourse, 1-D  
Bronx, NY 10451  
718-590-5400